

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff

vs

CRIMINAL 02-0098CCC

**MARIA DE LOS ANGELES RIVERA-
RANGEL**, a/k/a Angie
ANGEL LUIS OCASIO-RAMOS

Defendants

O R D E R

Before the Court is a Joint Motion Recommending Sentence filed by defendant María de los Angeles Rivera-Rangel and the United States on February 27, 2007 (**docket entry 234**). The Court addresses the wording of the first sentence of the second paragraph of this motion, to wit: "In the interests of justice, the United States and Rivera-Rangel have agreed to recommend a specific sentence to the Court." That specific sentence, as indicated in the motion, is a term of imprisonment of 37 months. Due to the similarity of language of the sentence quoted to the text of Fed.R.Crim.P. 11(c)(1)(C), which addresses the situation where the parties agree in a plea agreement "that a specific sentence . . . is the appropriate disposition of the case," and which further provides that "such a recommendation or request binds the court once the court accepts the plea agreement," the parties are expressly advised that the Court does not accept their joint motion as an agreement that a specific sentence is the appropriate disposition of this case at this stage. The Court considers their motion as a request by the defendant that she be sentenced to thirty-seven (37) months which is not opposed by the government. However, the Court is not bound by this recommendation which is at this stage before the sentencing hearing merely noted and which will be duly considered along with the advisory guidelines calculations and other sentencing factors before the Court makes its final sentencing determination on February 28, 2007 after hearing both parties.

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Given the government's position advanced by the government regarding the guideline range based upon a total offense level of twenty (20), the Court deems that the government has withdrawn its objections to defendant's Pre-Sentence Report and its request that her offense level be enhanced four (4) levels under U.S.S.G. §3B1.1(a).

SO ORDERED.

At San Juan, Puerto Rico, on February 27, 2007.

S/CARMEN CONSUELO CEREZO
United States District Judge